

FAIRFAX COUNTY
2009 COMMUNITY ASSOCIATION
SUPPLEMENT GUIDE

Written and Published by:

Fairfax County
Department of Cable Communications
and Consumer Protection

Consumer Affairs Branch

Telephone 703-222-8435

Fax 703-324-3900

TTY 711

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Fairfax County 2009 Community Association Supplement Guide

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Preface

The first edition of the Fairfax County Community Association Manual was published in the fall of 2002. Since the manual's original publication there have been annual legislative changes to the Virginia State Code that impact homeowner and condominium associations. As a supplement to the Fairfax County Community Association Manual, the Consumer Affairs Branch introduces the Fairfax County Community Association Supplement Guide which includes an overview of the legislative amendments from the 2003 through the 2008 Legislative Sessions and an introduction to the newly created regulatory board created in the 2008 Legislative Session. The supplement is designed to be an interactive electronic document linking readers to the Code of Virginia, the Fairfax County Ordinances, and other community association resources.

During the 2008 Legislative Session the Common Interest Community Board was developed and charged with the responsibility to adopt regulations necessary to carry out its duties. The regulations will further clarify the legislation and provide the guidance that homeowners and condominium association boards and members need to ensure compliance with the law. The Consumer Affairs Branch will monitor the regulatory process and incorporate information about newly adopted regulations into a second edition of the Fairfax County Community Association Manual. These updates, however, are for informational purpose only, and should not be used or relied upon in place of the actual text of the relevant legislation. In addition, homeowner and condominium association members are strongly encouraged to consult with private legal counsel regarding their specific legal rights and interests.

Please contact the Consumer Affairs Branch of Fairfax County Department of Cable Communications and Consumer Protection office at 703-222-8435, TTY 711, if you need additional information or assistance.

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2003-2008 Legislative Updates

The Virginia General Assembly consists of the House of Delegates and the Senate of Virginia. One of its responsibilities is to enact laws of the Commonwealth of Virginia. The General Assembly meets beginning each January and bills that pass both chambers become law once they are signed by the governor. Each year bills pertaining to the governance of common interest communities may be passed into law. Below you will find reference to the titles, chapters, and sections of the Virginia Code and a brief summary of the bill(s) that impacted the statutes since the original publication of the Fairfax County Community Association Manual in 2002. To view the Virginia Code, please visit the [Legislative Information Service](#) on the internet.

Title 54.1 Professions and Occupations **[Chapter 23.3 Common Interest Communities](#)**

[54.1-2348 Common Interest Community Board, membership; meetings; quorum](#)

Established a Common Interest Community Board, defined the membership of the board, and vested the Board with the powers and duties necessary to execute the purposes of this chapter.

Title 55 Property and Conveyances **[Chapter 29 Common Interest Community](#)** **[Management Information Fund](#)**

[55-529 Common Interest Community Management Information Fund](#)

Created a Common Interest Community Management Information Fund to be used in the discretion of the Board to promote the improvement, and more efficient operation of common interest communities through research and education.

Title 55 Property and Conveyances **[Chapter 4.2 Condominium Act](#)**

[55-79.41 Definitions](#)

Provided the definition of “electronic transmission.”
Added the definition of “common interest community manager” to the Condominium Act.

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55-79.43 County and municipal ordinances; nonconforming conversion condominiums; applicability of Uniform Statewide Building Code; other regulations

Provided that the declarant, usually a developer, is authorized to execute, file, and process any subdivision, site plan, zoning, or other land use applications or disclosures related to the condominium during the period that the condominium is under his control. The bill also provided that once the condominium is no longer under the control of the declarant, the authority to execute such land use applications shall belong to the executive organ of the unit owners' association or a representative appointed by the unit owners' association.

55-79.74:01 Deposit of funds

Required that all funds deposited with a managing agent shall be handled in a fiduciary capacity and shall be kept in fiduciary trust accounts in a federally insured financial institution separate from other assets of the managing agent. Such funds are the property of the unit owner's association and shall be segregated and identifiable on an individual unit owners' association basis.

55-79.75 Meetings of unit owners' associations and executive organ

Provided that a unit owner may record any portion of a meeting of the board of directors or executive organization.

Provided that meetings of any subcommittee or other committee of the executive organ or the unit owners' association shall be open to members of the unit owners' association.

Authorized notices of meetings of a condominium's unit owners' association to be sent by electronic transmission if consented to by the unit owner and permitted by the condominium instruments or rules and allows agents for officers of the association to send out meeting notices.

Provided that notice of the time, date, and place shall be sent to any unit owner requesting notice (i) by first-class mail or e-mail in the case of meetings of the executive organ or (ii) by e-mail in the case of meetings of any subcommittee or other committee of the executive organ, or of a subcommittee or other committee of the unit owners' association. The bill also authorizes an executive organ to require notice to be provided when a meeting is being recorded.

Authorized notice of association meetings to be sent either by United States mail to all unit owners of record at the address of their respective units or to such other addresses as any of them may have designated to such officer or his agent, in addition to the option of hand delivery of such notices.

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[55-79.75:1 Distribution of information by members](#)

Provided that except as otherwise provided in the condominium instruments; no executive organ shall require prior approval of the dissemination or content of any material regarding any matter concerning the unit owners' association.

[55-79.75:2 Flag display; necessary supporting structures; affirmative defense](#)

Provided that unless expressly prohibited by the condominium instruments, no unit owners' association shall restrict or prohibit the display by a unit owner of the flag of the United States. The bill provided, however, that an association may restrict the display of such flag in the common areas and may establish reasonable restrictions as to the size, place, and manner of placement or display. The bill also required the public offering statement and resale certificate to contain a statement of any restrictions on size, place, and manner of placement or display of the flag.

[55-79.76 Same; quorums](#)

Reduced the minimum requirements that condominium bylaws may specify for a quorum from 25 percent to 10 percent.

[55-79.77 Same; voting](#)

Authorized votes and proxies to be submitted by electronic transmission if authorized by the unit owner or the unit owner's proxy and eliminated the requirement that signatures of unit owners on proxies be witnessed.

[55-79.79 Upkeep of condominiums; warranty against structural defects; statute of limitations for warranty](#)

Provided that an action for breach of warranty shall be commenced within five years after the date such warranty began. Required a written statement by the claimant or his agent, attorney or representative, of the nature of the alleged defect be sent to the declarant, by registered or certified mail, at his last known address, as reflected in the records of the Common Interest Community Board, more than six months prior to the commencement of the action giving the declarant an opportunity to cure the alleged defect within a reasonable time. The bill provided that sending the required notice shall toll the statute of limitations for commencing a breach of warranty action for a period not to exceed six months.



[55-79.81 Insurance](#)

Deleted the provision that requires any insurance deductible under the master casualty policy to be paid by the unit owners' association as a common expense if the cause of the damage to or destruction of any portion of the condominium originated in or through the common elements or an apparatus located within the common elements. The measure also deleted the requirement that a unit owner pay such deductible if the cause of any damage to or destruction of any portion of the condominium originated in or through a unit or any component thereof without regard to whether the unit owner was negligent.

[55-79.83 Liability for common expenses](#)

Authorized the executive organ to levy additional assessments if the executive organization determines that the assessments levied by the unit owners' association are insufficient to cover the common expenses of the unit owners' association. The bill provided for written notice of the imposition of an additional assessment and provides that the unit owners' association may rescind or reduce the additional assessment.

[55-79.84 Lien for assessments](#)

Clarified that a unit sold in a non-judicial foreclosure proceeding shall be sold subject to prior liens. The bill reversed the Supreme Court holding in *Wachovia vs. Colchester Towne*, which required lien holders to be paid by the sale proceeds. The bill clarified that these associations have authority to serve as an owner's statutory agent and may transfer title to the unit to the purchaser at the foreclosure sale. The bill also (i) extended from 24 to 36 months the time for initiating foreclosure proceedings to enforce a lien; (ii) added additional notice requirements to the owner of the unit; (iii) provided for the appointment of a trustee to conduct the sale; (iv) allowed the association to bid on the unit; (v) clarifies that foreclosure sale expenses include the association's advertising costs and reasonable attorneys' fees; and (vi) required the association to prepare an accounting to show the distribution of the sale proceeds.

Clarified that an action to foreclose any liens that has been perfected under the provisions of Condominium Association Act must be initiated within 36 months from the time the memorandum of lien was recorded.

[55-79.92 Notice of filing and registration](#)

Clarified that in the case of receipt of an application for a condominium that is a conversion condominium, the agency shall, within five business days, also issue a notice

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of filing to the chief administrative officer of the county or city in which the proposed condominium is located, which notice shall include the name and address of the applicant and the name and address or location of the proposed condominium.

[55-79.94 Conversion condominiums; special provisions](#)

Allowed any tenant who is disabled or elderly to assign the exclusive right to purchase their unit to a government agency, housing authority, or certified nonprofit housing corporation, which shall then offer the tenant a lease at an affordable rent, in the case of a conversion condominium. The bill provided that the acquisition of such units by the governmental agency, housing authority, or certified nonprofit housing corporation shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium or (ii) impede the condominium conversion process. The bill defined affordable rent and certified nonprofit housing corporation.

[55-79.95 Escrow of deposits](#)

Authorized the filing of a surety bond or letter of credit by the declarant of a condominium project with more than 50 units with the Common Interest Community Board in lieu of escrowing deposits. The amount of surety bonds or letters of credit is set forth in the bill

[55-79.97 Resale by purchaser](#)

Allowed the condominium association to deliver the resale certificate by electronic means unless the purchaser or seller requests a paper copy.

Added additional documents to be included in the resale certificate.

[55-79.97:1 Fees for resale certificate](#)

Provided that no unit owners' association nor its common interest community manager shall require payment at the time of the request for the resale certificate is made.

Allowed condominium associations to collect a fee for preparation of a resale certificate if the fee is established in the contract between the association and its managing agent and the fee is disclosed on the website of either the association or the managing agent. The bill required the prompt payment of the above fee to the managing agent who furnishes the resale certificate.

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Set limits for the fees to be charged for preparation of the required disclosure packets.

Provided that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot.

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Title 55 Property and Conveyances

Chapter 26 Property Owners' Association Act

55-508 Applicability

Removed the \$150 threshold for determining whether an association is subject to the Property Owners' Association Act (POAA).

Clarified that developments established prior to the enactment of the Subdivided Land Sales Act may specifically provide for the applicability of the provisions of the Property Owners' Association Act.

55-509 Definitions

Added the definition of “common interest community” and “common interest community manager” to the Property Owners' Association Act.

55-509.4 Contract disclosure statement; right of cancellation

Defined when an association packet is not available.

55-509.5 Contents of association disclosure packet; delivery of packet

Allowed the property owners' association to deliver the disclosure packet by electronic means unless the purchaser or seller requests a paper copy.

Added additional documents to be included in the disclosure packet.

55-509.6 Fees for disclosure packet; associations managed by a common interest community manager

Allowed property owners' associations to collect a fee for preparation of a disclosure packet if the fee is established in the contract between the association and its managing agent and the fee is disclosed on the website of either the association or the managing agent. The bill required the prompt payment of the above fee to the managing agent who furnishes the disclosure packet.

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Set limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the Property Owners' Association Act. Specified when fees can be cancelled.

Provided that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot.

[55-509.7 Fees for disclosure packets; associations not managed by a common interest community manager](#)

Set limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the Property Owners' Association Act. Specified when fees can be cancelled.

Provided that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot.

[55-510 Access to association records; association meetings; notice](#)

Provided that except for certain topics, draft minutes of the board of directors shall be open for inspection and copying (i) within 60 days from the conclusion of the meeting to which such minutes appertain or (ii) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.

[55-510.1 Meetings of the board of directors](#)

Provided that a lot owner may record any portion of a meeting of the board of directors or executive organ.

Provided that meetings of any subcommittee or other committee of the board of directors of a property owners association shall be open to members of record of the association.

Provided that notice of the time, date, and place shall be sent to any lot owner requesting notice (i) by first-class mail or e-mail in the case of meetings of the executive organ or (ii) by e-mail in the case of meetings of any subcommittee or other committee of the executive organ, or of a subcommittee or other committee of the lot owners'

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association. The bill also authorized an executive organ or board of directors to require notice to be provided when a meeting is being recorded.

Authorized notice of association meetings to be sent either by United States mail to all lot owners of record at the address of their respective lots or to such other addresses as any of them may have designated to such officer or his agent, in addition to the option of hand delivery of such notices.

[55-513.1 Flag display; necessary supporting structures; affirmative defense](#)

The bill provided that an association may restrict the display of such flag in the common areas and may establish reasonable restrictions as to the size, place, and manner of placement or display. The bill also required the public offering statement and association disclosure packet to contain a statement of any restrictions on size, place, and manner of placement or display of the flag.

[55-514.2 Deposit of funds; fidelity bond](#)

Required any managing agent of a property owners' association to keep funds deposited with the managing agent in fiduciary trust accounts in a federally insured financial institution, and to keep such funds segregated from other assets of the managing agent.

[55.515.1 Amendment to declaration and bylaws; consent of mortgagee](#)

Allowed the Declaration of a property owners' association recorded prior to July 1, 1999, to be amended by agreement of two-thirds vote of the lot owners if the Declaration is silent on how it may be amended.

[55-516 Lien for assessments](#)

Clarified that a lot sold in a non-judicial foreclosure proceeding shall be sold subject to prior liens. The bill reversed the Supreme Court holding in *Wachovia vs. Colchester Towne*, which required lien holders to be paid by the sale proceeds. The bill clarified that these associations have authority to serve as an owner's statutory agent and may transfer title to lot to the purchaser at the foreclosure sale. The bill also (i) extended from 24 to 36 months the time for initiating foreclosure proceedings to enforce a lien; (ii) added additional notice requirements to the owner of lot; (iii) provided for the appointment of a trustee to conduct the sale; (iv) allowed the association to bid on the lot; (v) clarified that foreclosure sale expenses include the association's advertising costs and reasonable attorneys' fees; and (vi) required the association to prepare an accounting to show the distribution of the sale proceeds.

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Clarified that an action to foreclose any liens that has been perfected under the provisions of the Property Owner's Association Act must be initiated within 36 months from the time the memorandum of lien was recorded.

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The Common Interest Community Board and the Office of the Ombudsman

Effective July 1, 2008, the General Assembly passed HB 516 and SB 301 that established the Common Interest Community Board. The legislation was the result of a joint effort between the Housing Commission and members of the Community Associations Institute, Virginia Association of Community Managers, Virginia Association of Realtors, industry lawyers and accountants. It created the Common Interest Community Board and the Office of the Common Interest Community Ombudsman.

The Common Interest Community Board (CIC Board) consists of 11 citizens appointed by the Governor. The Board is representative of industry professionals including three common interest community managers, a community association attorney, a certified public accountant, a representative of the time-share industry, two real estate developers, and two Virginia residents of a common interest community. The CIC Board is charged with the development and regulation of educational requirements, licensing and certification of community managers and employees, the complaint process for the Office of the Ombudsman's Office, the administration of the Common Interest Community Management Information Fund, and the enforcement of regulations established under its authority.

The CIC Board is responsible for administering Virginia's property registration laws: the Condominium Act (Code of Virginia, Title 55, Chapter 4.2), the Virginia Real Estate Time-Share Act (Code of Virginia, Title 55, Chapter 21), the Virginia Real Estate Cooperative Act (Code of Virginia, Title 55, Chapter 24), and the Property Owners' Association Act (Code of Virginia, Title 55, Chapter 26). These statutes generally require registration and certain disclosures by land developers. The CIC Board is authorized to promulgate regulations to fulfill the requirements of these acts. The CIC Board regulates the sale of new condominiums and time-shares. The Condominium Act and the Real Estate Time-Share Act cover transactions occurring within the Commonwealth, even if the property involved is located outside the Commonwealth. Additionally, property owner, condominium, and cooperative associations are required to file annual reports with the board. The fees from the annual reports go to fund the Common Interest Community Management Information Fund, which in turn helps to fund the Common Interest Community Management Recovery Fund. Code of Virginia, Title 54.1, Chapter 23.3.

Until such time as the newly-created Common Interest Community Board has the opportunity to promulgate regulations, the Condominium Act, the Real Estate Time-Share Act, the Real Estate Cooperative Act, and the Property Owners' Association Act will be under the authority of the Real Estate Board.

The Office of the Ombudsman was created to assist individuals in understanding and exercising their rights in resolving issues with their associations. The office will

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maintain data on inquiries, requests for assistance, complaint notices, and resolutions of disputes. The CIC Board will adopt regulations to establish a formal complaint process which will include the procedures for registering and resolving complaints.

The scope of the CIC Board and the Office of the Ombudsman is being reviewed by the board. As the role is defined, new regulations will be submitted for regulatory action. The Virginia Regulatory Town Hall is an online supplement that provides information about the regulatory actions of the board. Please visit The Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov>. The Virginia Town Hall offers the option to register for email notifications related to the CIC Board such as regulatory actions, scheduled meetings, agendas and minutes. Enter "Common Interest Community" in the Town Hall search engine to access real time information regarding the progress of the board.

The CIC Board maintains a website that provides information about the regulatory matters of the board, the CIC Board calendar and required forms and applications. Visit http://www.dpor.virginia.gov/dporweb/cic_main.cfm for more information.



Code of Virginia

The most updated and current version of the entire Code of Virginia is available online through the [Virginia Legislative Information System](#).

The [Virginia Condominium Act](#), Title 55, Chapter 4.2, and the [Virginia Property Owners Association Act](#), Title 55, Chapter 26, of the Code of Virginia are the state civil statutes that authorize and govern condominium and homeowner associations within the Commonwealth. [The Virginia Nonstock Corporation Act](#), Title 13.1, Chapter 10, establishes the requirements and regulatory authority under which non-profit associations can incorporate.

The [Virginia Condominium Act](#) can be accessed from the [Code of Virginia Table of Contents](#) by selecting Title 55, then Chapter 4.2. The following is a list of selected sections of the Virginia Condominium Act that pertain to condominium associations:

Section Number – Title

55-79.39	How chapter cited
55-79.40	Application and construction of chapter
55-79.41	Definitions
55-79.41:1	Variation by agreement
55-79.42	Separate assessments, titles and taxation
55-79.43	County and municipal ordinances; nonconforming conversion condominiums; applicability of Uniform Statewide Building Code; other regulations
55-79.44	Eminent domain
55-79.45	How condominium may be created
55-79.46	Release of liens
55-79.47	Description of condominium units
55-79.48	Execution of condominium instruments
55-79.49	Recordation of condominium instruments

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55-79.50	Construction of condominium instruments
55-79.51	Complementarity of condominium instruments; controlling construction
55-79.52	Validity of condominium instruments; discrimination prohibited
55-79.53	Compliance with condominium instruments
55-79.54	Contents of declaration
55-79.55	Allocation of interests in the common elements
55-79.56	Reallocation of interests in common elements
55-79.57	Assignments of limited common elements; conversion to common element
55-79.58	Contents of plats and plans
55-79.58:1	Bond to insure completion of improvements
55-79.59	Preliminary recordation of plats and plans
55-79.60	Easement for encroachments
55-79.61	Conversion of convertible lands
55-79.62	Conversion of convertible spaces
55-79.63	Expansion of condominium
55-79.64	Contraction of condominium
55-79.65	Easement to facilitate conversion and expansion
55-79.66	Easement to facilitate sales
55-79.67	Declarants' obligation to complete and restore
55-79.68	Alterations within units
55-79.69	Relocation of boundaries between units
55-79.70	Subdivision of units
55-79.71	Amendment of condominium instruments

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55-79.72	Description unavailable
55-79.72:1	Termination of condominium
55-79.73	Bylaws to be recorded with declaration; contents; unit owners' association; executive organ; amendment
55-79.73:1	Amendment to condominium instruments; consent of mortgagee
55-79.74	Control of condominium by declarant
55-79.74:01	Deposit of funds
55-79.74:1	Books, minutes and records; inspection
55-79.74:2	Management office
55-79.74:3	Transfer of special declarant rights
55-79.74:4	Declarants not succeeding to special declarant rights
55-79.75	Meetings of unit owners' associations and executive organ
55-79.75:1	Distribution of information by members
55-79.75:2	Flag display; necessary supporting structures; affirmative defense
55-79.76	Same; quorums
55-79.77	Same; voting
55-79.78	Officers
55-79.79	Upkeep of condominiums; warranty against structural defects; statute of limitations for warrant
55-79.80	Control of common elements
55-79.80:01	Common elements; notice of pesticide application
55-79.80:1	Tort and contract liability; judgment lien
55-79.80:2	Assessment of charges for violations; suspension of services for failure to pay assessments; hearing



55-79.80:3	Power of unit owners' association to limit occupancy of a unit
55-79.81	Insurance
55-79.82	Description unavailable
55-79.83	Liability for common expenses
55-79.83:1	Reserves for capital components
55-79.84	Lien for assessments
55-79.84:1	Bond to be posted by declarant
55-79.85	Restraints on alienation
55-79.86	Administrative agency
55-79.87	Exemptions from certain provisions of article
55-79.88	Limitations on dispositions of units
55-79.89	Application for registration; fee
55-79.90	Public offering statement; condominium securities
55-79.91	Inquiry and examination
55-79.92	Notice of filing and registration
55-79.93	Annual report by declarant; termination of registration
55-79.93:1	Annual report by unit owners' association
55-79.94	Conversion condominiums; special provisions
55-79.95	Escrow of deposits
55-79.96	Declarant to deliver declaration, etc., to purchaser
55-79.97	Resale by purchaser
55-79.97:1	Fees for resale certificate

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55-79.97:2	Properties subject to more than one declaration
55-79.97:3	Requests by settlement agents
55-79.98	General powers and duties of the Common Interest Community Board
55-79.99	Investigations and proceedings
55-79.100	Cease and desist orders
55-79.101	Revocation of registration
55-79.102	Judicial review
55-79.103	Penalties

The [Virginia Property Owners Association Act](#) can be accessed from the [Code of Virginia Table of Contents](#) by selecting Title 55, then Chapter 26. The following is a list of selected sections of the Virginia Property Owners Association Act that pertain to homeowner associations:

Section Number – Title

55-508	Applicability
55-509	Definitions
55-509.1	Developer to pay real estate taxes attributable to the common area upon transfer to association
55-509.2	Documents to be provided by declarant upon transfer of control
55-509.3	Association charges
55-509.4	Contract disclosure statement; right of cancellation
55-509.5	Contents of association disclosure packet; delivery of packet
55-509.6	Fees for disclosure packet; associations managed by a common interest community manager
55-509.7	Fees for disclosure packets; associations not managed by a common interest community manager

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55-509.8	Properties subject to more than one declaration
55-509.9	Requests by settlement agents
55-509.10	Exceptions to disclosure requirements
55-510	Access to association records; association meetings; notice
55-510.1	Meetings of the board of directors
55-510.2	Distribution of information by members
55-513	Adoption and enforcement of rules
55-513.1	Flag display; necessary supporting structures; affirmative defense
55-514	Authority to levy special assessments
55-514.1	Reserves for capital components
55-514.2	Deposit of funds; fidelity bond
55-515	Compliance with declaration
55-515.1	Amendment to declaration and bylaws; consent of mortgagee
55-515.2	Validity of declaration; corrective amendments
55-516	Lien for assessments
55-516.1	Annual report by association
55-516.2	Condemnation of common area; procedure

The [Virginia Nonstock Corporation Act](#) can be accessed by selecting Title 13.1, then Chapter 10. The following is a list of selected sections of the Nonstock Corporation Act that pertain to homeowner and condominium associations:

Section Number – Title

13.1-814.1	Special provisions for community associations
13.1-823	Bylaws

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<u>13.1-826</u>	General powers
<u>13.1-837</u>	Members
<u>13.1-838</u>	Annual meeting
<u>13.1-839</u>	Special meeting
<u>13.1-841</u>	Corporate action without meeting
<u>13.1-842</u>	Notice of meeting
<u>13.1-843</u>	Waiver of notice
<u>13.1-846</u>	Voting entitlement of members
<u>13.1-847</u>	Proxies
<u>13.1-848</u>	Corporation's acceptance of votes
<u>13.1-849</u>	Quorum and voting requirements
<u>13.1-852</u>	Voting for directors; cumulative voting
<u>13.1-853</u>	Requirements for and duties of board of directors
<u>13.1-854</u>	Qualification of directors
<u>13.1-855</u>	Number and election of directors
<u>13.1-857</u>	Terms of directors generally
<u>13.1-859</u>	Resignation of directors
<u>13.1-860</u>	Removal of directors
<u>13.1-863</u>	Compensation of directors
<u>13.1-864</u>	Meetings of board of directors
<u>13.1-865</u>	Action without meeting of board of directors
<u>13.1-866</u>	Notices of board of directors' meetings

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<u>13.1-868</u>	Quorum & voting by directors
<u>13.1-869</u>	Committees
<u>13.1-870</u>	General standards of conduct for directors
<u>13.1-871</u>	Director conflicts of interest
<u>13.1-872</u>	Required officers
<u>13.1-873</u>	Duties of officers
<u>13.1-874</u>	Resignation and removal of officers
<u>13.1-875</u>	Definitions
<u>13.1-876</u>	Authority to indemnify
<u>13.1-877</u>	Mandatory indemnification
<u>13.1-881</u>	Indemnification of officers, employees and agents
<u>13.1-884</u>	Authority to amend articles of incorporation
<u>13.1-886</u>	Amendment of articles of incorporation by directors and members



Fairfax County Ordinances

The [Code of Fairfax County](#) is available online. To access ordinances frequently referenced by common interest communities, review the full Table of Contents and select the appropriate chapters as follows:

[Chapter 31](#) Peddlers, Solicitors and Canvassers

[Chapter 41.1](#) Animal Control and Care

- | | |
|----------------|---|
| Section 41-2-4 | Unrestricted dogs prohibited; leash law |
| Section 41-2-6 | Animals causing unsanitary conditions |

[Chapter 69.1](#) Water Reconciliation Facilities Ordinance

[Chapter 82](#) Motor Vehicles and Traffic

- | | |
|-----------------|--------------------------------|
| Section 82-1-3 | Enforcement by County officers |
| Section 82-5-32 | Removal (towing) of vehicles |

[Chapter 108](#) Noise

- | | |
|-----------|----------------|
| Article 5 | Nuisance Noise |
|-----------|----------------|

[Chapter 112](#) Zoning Ordinance

- | | |
|-------------------|---|
| Article 1, Part 1 | Constitution of the ordinance |
| Article 1, Part 2 | Purpose and intent |
| Article 1, Part 4 | Conflicting ordinances |
| Article 1, Part 7 | Common open space |
| Article 2, Part 3 | Interpretation of District regulations – open space |



Community Association Resources

A list of local, state and national resources has been provided to assist your association in governing effectively. When available, an electronic link to the resource is included for your convenience.

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Common Interest Community Organizations

Community Associations Institute (CAI) National Office	225 Reinekers Lane Suite 300 Alexandria, VA www.caionline.org 703-548-8600	The Community Associations Institute provides published information, training programs, and professional references.
CAI - Washington Metropolitan Chapter	7600 Leesburg Pike Ste 100W Falls Church, VA www.caidc.org 703-750-3644	
Consumer Affairs Branch	Department of Cable Communications and Protection and Consumer 12000 Government Center Pkwy. Suite 433 Fairfax, VA www.fairfaxcounty.gov/consumer 703-222-8435	Provides advice and guidance to homeowner and condominium associations, "Your Community, Your Call" on Fairfax County Government Channel 16.
Fairfax County Federation of Citizens Assoc. Inc.	4022 Hummer Road Annandale, VA www.fairfaxfederation.org (no public phone)	Promotes opinions and consensus of citizens associations throughout Fairfax County; enhances general welfare of citizens & communities.
Fairfax County Office of Public Affairs	12000 Government Center Pkwy. Fairfax, VA www.fairfaxcounty.gov/opa/ 703-324-3187	Publishes "Newcomers Guide" and quarterly newsletter for citizens; serves as the "Information Connection" to and for Fairfax County government.
Institute of Real Estate Management (IREM)	IREM Headquarters, Chicago, IL 60611 www.irem.org/ (800) 837-0706	Provides education, resources, information, and membership for real estate management professionals.
IREM Northern Virginia Chapter	Gaithersburg, MD (301) 948-6234	
Northern Virginia Association of Realtors	Fairfax Headquarters 8403 Arlington Blvd #100 Fairfax, VA www.nvar.com/ 703-207-3200	Provides general information on Northern Virginia locales and access to local Realtors®.

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Community Enhancement Safety Programs

Crime Prevention Coordinator	Fairfax County Police Department www.fairfaxcounty.gov/police/citizen-awareness 703-246-4202	Promotes "Neighborhood Watch" safety, security, education, and prevention programs.
Fire Prevention Division	Fairfax County Fire & Rescue Department www.fairfaxcounty.gov/fr/ 703-246-4800	Provides fire suppression, emergency medical, technical rescue, fire prevention, and educational services.
Northern Virginia Soil and Water Conservation Service	12055 Government Center Pkwy. Suite 905 www.fairfaxcounty.gov/NVSWCD/ 703-324-1460	A self-governing subdivision of the Commonwealth of Virginia, offers environmental leadership, technical assistance, and environmental education.

Electric Service Providers

Dominion Virginia Power	11133 West Main Street Fairfax, VA www.dom.com/ (888) 667-3000	Electric outdoor lighting program private streets - residential and commercial buildings.
Northern Virginia Electric Cooperative	10323 Lomond Drive Manassas, VA www.novec.com/ 703-335-0500 or (888) 335-0500	Delivers cost-efficient, reliable energy to residential, commercial, business, and government.

Fairfax County Code Requirements and Enforcement

Animal Services Division	Fairfax County Police 4500 West Ox Road www.fairfaxcounty.gov/living/animals/ 703-324-0222	Oversees the animal shelter, animal control, and the wildlife biologist.
Cable Regulation and Policy Division	Department of Cable Communications and And Consumer Protection 12000 Government Center Pkwy. Suite 433 www.fairfaxcounty.gov/cable/regulation/ 703-324-5902	Manages the development of cable and its regulation in the county, oversees the county's non-exclusive cable television franchise through enforcement of franchise agreements, inspection of facilities, and attention to citizen concerns.

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Fairfax County Code Requirements and Enforcement (continued)

Consumer Affairs Branch	Department of Cable Communications and Consumer Protection 12000 Government Center Pkwy. Suite 433 www.fairfaxcounty.gov/consumer/consumer.htm 703-222-8435	Mediates consumer complaints against businesses, tenant-landlord disputes, and cable issues. Answers advice inquiries and provides community outreach presentations.
County Code Enforcement	Department of Public Works and Environmental Services www.fairfaxcounty.gov/dpwes/construction/code_enforce.htm	Enforces the codes and ordinances which regulate construction and property maintenance in Fairfax County is handled by various agencies.
Environmental Health Division	Fairfax County Health Department 10777 Main Street www.fairfaxcounty.gov/hd/eh/ 703-246-2201 or 2205	Provides information on sanitary standards, wells and septic systems, maintenance, and repairs.
Planning Division	Department of Planning and Zoning 12055 Government Center Pkwy. www.fairfaxcounty.gov/dpz/	Maintains the county's Comprehensive Plan, processes amendments to the Plan, evaluates land use.
Zoning Administration Division	Department of Planning and Zoning 12055 Government Center Pkwy., Suite 807 www.fairfaxcounty.gov/dpz/dpzdivisions/zad.htm 703-324-1314	Enforces, maintains, and administers the provisions of the Fairfax County Zoning and Noise Ordinances.
Zoning Enforcement Branch	Department of Planning & Zoning 12055 Government Center Pkwy. Suite 829 703-324-1300	Enforces the Zoning Ordinance blight abatement program, and explains how to report blight.
Zoning Evaluation Division	Department of Planning and Zoning www.fairfaxcounty.gov/dpz/dpzdivisions/zad.htm	Processes all zoning applications submitted to the county.
Zoning Permit Review Branch	Department of Planning and Zoning 12055 Government Center Pkwy. Suite 250 www.fairfaxcounty.gov/dpz/zoning/ 703-222-1082	Issues building non-residential use permits, permit records, home occupation permits, setbacks, and general easement questions.

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Governing Documents

Environment and Facilities Inspection	Department of Public Works and Environmental Services 12055 Government Center Pkwy Suite 334 703- 324-1950	Handles erosion/sediment control, grading on property, agreements, project approval, amendments, project completion, site, and construction complaints.
Environment and Facilities Review	Department of Public Works and Environmental Services 12055 Government Center Pkwy Suite 535 703- 324-1720	Manages bond releases.
Land Records Record Room, 3rd floor	Fairfax County Court House www.fairfaxcounty.gov/courts/circuit/lr_g_en_info.htm 703-691-7320, press 3, 4	Maintains copies of condominium and homeowners associations declarations, deed of dedication, and bylaws.
Maintenance and Stormwater Management	Department of Public Works and Environmental Services 12000 Government Center Pkwy. Suite 449 www.fairfaxcounty.gov/dpwes/stormwater/ 703-324-5500	Maintenance of stormwater management facilities is required as a condition for land use approval.
Permits Division	Department of Public Works and Environmental Services 12055 Government Center Pkwy Suite 224 703- 324-1555	Issues building, demolition, electrical, mechanical, plumbing, home improvement, deck, and garage permits.
Real Estate Division	Department of Tax Administration 12000 Government Center Parkway www.fairfaxcounty.gov/dta/realestatetax 703- 222-8234	Real estate assessments property ownership.
Residential Inspections Division	Department of Public Works and Environmental Services 12055 Government Center Pkwy, 3rd Floor www.fairfaxcounty.gov/dpwes/construction/permit_process.htm 703-324-1980	Performs residential structure inspections for code compliance: building, plumbing, mechanical, and electrical.
Solid Waste Management Program	Department of Public Works and Environmental Services 12000 Government Center Pkwy. Suite 458 www.fairfaxcounty.gov/dpwes/swmp/pln.htm 703- 324-5230	Includes the Division of Solid Waste Collection/Recycling and the Division of Solid Waste Disposal and Resource Recovery.

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Governing Documents (continued)

Stormwater Planning Division	Department of Public Works and Environmental Services www.fairfaxcounty.gov/dpwes/stormwater/ 703- 324-5500	Responsible for controlling runoff (rain, melting snow, and ice, etc.) draining off roads, sidewalks, driveways, roofs, and other hard surfaces.
Wastewater Management	Department of Public Works and Environmental Services 12000 Government Center Pkwy., Suite 358 www.fairfaxcounty.gov/dpwes/wastewater/ 703-324-5030	Protects both the public's health and the region's water quality by collecting and treating wastewater.

Insurance

Property and Casualty Division	State Corporation Commission Bureau of Insurance www.scc.virginia.gov/ (804) 371-9185	Regulates companies and agents, and provides consumer information.
Life and Health Division	(804) 371-9691	

Lawn and Garden Landscaping

Northern Virginia Soil and Water Conservation Service	12055 Government Center Pkwy Suite 905 www.fairfaxcounty.gov/NVSWCD/ 703-324-1460	A self-governing subdivision of the Commonwealth of Virginia, offers environmental leadership, technical assistance, and environmental education.
Soil Science Office	Department of Public Works and Environmental Services 12055 Government Center Pkwy www.fairfaxcounty.gov/dpwes/environmental/soil.htm 703-324-5300	Offers an online description and rating for soil types, which are useful in determining in the development on suitability particular soils in an urban area.
Urban Forest Management Division	Department of Public Works and Environmental Services 12055 Government Center Pkwy. Suite 518 www.fairfaxcounty.gov/dpwes/environmental/trees.htm 703-324-1770	Provides guidance about tree planting and reforestation, handles general pest questions.

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Lawn and Garden Landscaping

Virginia Cooperative Extension Fairfax County	12011 Government Center Pkwy, Suite 1050 www.ext.vt.edu/ 703-324-5369	Provides research-based educational educational resources about environmental horticulture.
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Legal Reference

Fairfax County Bar Association	www.fairfaxbar.org/ 4110 Chain Bridge Road, Suite 215 703-246-2740	Provides information about legal matters.
Lawyer Referral Service	703-246-3780	

Pavement Maintenance

Maintenance and Stormwater Management Division	Department of Public Works and Environmental Services 12000 Government Center Pkwy Suite 449 www.fairfaxcounty.gov/dpwes/stormwater/ 703-934-2800	Manages the process of controlling runoff draining off roads, sidewalks, driveways, roofs, and other hard surfaces.
National Asphalt Pavement Association	5100 Forbes Boulevard Lanham, MD www.hotmix.org/ (888) 468-6499	Provides technical, educational, and marketing materials and supplies to users and specifiers of paving materials.
Virginia Department of Transportation (VDOT)	Northern Virginia District Office 14685 Avion Parkway Chantilly, VA www.virginiadot.org/ 703-383-8368	Provides public road maintenance, snow removal, signs, hazards, etc.

Recreation Construction and Maintenance

American Sports Builders Association	8480 Baltimore National Pike, #307 Ellicott City, MD http://sportsbuilders.org/index.php (410) 418-4875	Provides technical information, and consumer-oriented information on the process of selecting a site, choosing a contractor, identifying a surface.
Fairfax County Park Authority	12055 Government Center Pkwy. Suite 927 www.fairfaxcounty.gov/parks/ 703-324-8702	Provides in-depth information on county parks, facilities, programs, and maintenance responsibilities.

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Department of Cable Communications and Consumer Protection

www.fairfaxcounty.gov/consumer

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Recreation Construction and Maintenance (continued)

Northern Virginia Regional Park Authority	5400 Ox Road Fairfax Station, Virginia www.nvrpa.org/ 703-352-5900	Provides diverse regional recreational and educational opportunities.
U.S. Consumer Protection	4330 East West Highway Bethesda, MD www.cpsc.gov/index.html www.cpsc.gov/library/library.html (301) 504-7921 (800) 638-2772	Protects the public from unreasonable risks of serious injury or death from thousands of types of consumer products under the agency jurisdiction.

State Laws and Regulatory Authorities

Code of Virginia	Virginia Legislative Information System http://leg1.state.va.us/000/src.htm	Electronic access to state legislation that governs common interest communities.
Division of Information Resources	State Corporation Commission 1300 E. Main St. Richmond, VA www.scc.virginia.gov/index.aspx (804) 371-9141 (800) 552-7945	Regulates corporate entities and utilities.
Office of the Common Interest Community Board	9960 Mayland Drive Suite 400 Richmond, VA cic@dpor.virginia.gov www.dpor.virginia.gov/dporweb/cic_main.cfm (804) 367-8510	The administrative office of the Common Interest Community Board, provides information about board meetings, board actions and the regulatory process. Administers the application process for common interest community managers and the registration process for common interest community associations.
Registration Division	(804) 367-8510	

Taxes

Taxes and Revenue	Department of Tax Administration 12000 Government Center Pkwy. Suite 223 www.fairfaxcounty.gov/living/taxes/ 703-222-8234	Charged by law with the responsibility to assess and collect taxes for Fairfax County.
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Department of Cable Communications and Consumer Protection

www.fairfaxcounty.gov/consumer

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Taxes (continued)

Internal Revenue Service	United States Department of the Treasury www.irs.gov/ (800) 829-1040, 3676	Provides assistance to individuals and businesses to file Federal tax, with information, forms, and publications.
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Trash Collection & Recycling

Division of Solid Waste Collection and Recycling	Department of Public Works and Environmental Services 12000 Government Center Pkwy, Suite 458 www.fairfaxcounty.gov/living/recycling 703-324-5230	Fairfax County trash service information, applications, and private trash information.
Herndon Dept. of Public Works	www.herndon-va.gov 703-435-6853	Handles collection of refuse and yard waste information.

Utilities

Columbia Gas of Virginia 24-hour emergency service	www.columbiagasva.com/ 1-800-543-8911 1-800-544-5606	Natural gas service for parts of Chantilly and Herndon.
Dominion Virginia Power Company	www.dom.com/index.jsp (888) 667-3000	Electric outdoor lighting program; private streets, residential and commercial buildings.
Northern Virginia Electric Cooperative (NOVEC)	10323 Lomond Drive Manassas, VA www.novec.com/ 703-335-0500, (888) 335-0500 www.novec.com/page.cfm?id=147 703-754-6750	Cooperative supplier of electricity and energy services. Streetlights and security lighting.
Planning and Design Division	Department of Public Works and Environmental Services 12000 Government Center Pkwy, Suite 449 www.fairfaxcounty.gov/dpwes/construction/streetlights/light_main.htm 703-324-5800	Manages county streetlights program and installation criteria.
Washington Gas	6801 Industrial Road Springfield, VA www.washingtongas.com 703-750-1000	Delivers natural gas to customers throughout Washington, DC, and the surrounding region.

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Water and Sewer Services

City of Fairfax	Department of Utilities 10455 Armstrong Street, Fairfax, VA Fairfax, VA www.fairfaxva.gov/ 703- 385-7915	Responsible for providing safe potable water and reliable sanitary sewer service to the city's customers.
Fairfax County Water Authority	8570 Executive Park Ave. Fairfax, VA www.fcwa.org/ 703-698-5600	Manages an integrated water system for supplying and distributing water among Fairfax County residents.
Falls Church Water/Sewer	300 Park Avenue Falls Church, VA www.fallschurchva.gov/ 703- 248-5070, 703- 248-5071	Provides overall operation and maintenance of the City's water distribution system, storm sewer system, and sanitary sewer system.
Herndon Water and Sewer	Department of Public Works 777 Lynn Street Herndon, VA www.herndon-va.gov/ 703-435-6814	Provides safe and dependable supply of drinking water, and informs citizens of the efforts taken to protect the water supply.
Vienna Water and Sewer	127 Center St. South Vienna, VA www.viennava.gov/ 703-255-6385	Conducts water quality sampling and analysis, resolves complaints, and handles meter reads.

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